



Planning Commission Agenda June 2, 2010

- Planning Commissioners** 5:30 P.M. Agenda Meeting
- Michael Christianson Chairman 6:00 P.M. 1. Preliminary Activities
- a. Pledge of Allegiance
 - b. Approval of Minutes: April, 7 and May 5, 2010
- Del Robins
- David Stroud
- Shane Marshall 2. Public Hearings
- a. **Brad Fillmore Conditional Use**
Applicant: Brad Fillmore
General Plan: Residential 3.5 to 4.5 units per acre
Zoning: R-1-9
Location: 1968 East 1200 South
 - a. **Staker Parson Amended Conditional Use**
Applicant: Staker Parson Company
General Plan: Medium Industrial
Zoning: Industrial 2
Location: 2276 North 200 East
3. Other Discussion
- a. **Discussion on the Commercial Downtown zone, the Planning Commission work program and the General Plan update.**
- Rick Evans
- Tyler Cope

Planning Commissioners, if you are unable to attend a meeting please let us know ASAP. Thanks.

The public is invited to participate in all Planning Commission Meetings at 40 South Main Street, Room 140, Spanish Fork. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

Draft Minutes
Spanish Fork City Planning Commission Meeting
April 7, 2010

Commission Members Present: Mike Christianson, Chairman; Del Robins, Shane Marshall, David Stroud, Rick Evans, Tyler Cope.

Staff Present: Dave Anderson, Planning Director; Dave Munson, Planning Intern; Jered Johnson, City Surveyor; Trapper Burdick, Assistant City Engineer.

Citizens Present: Shauna Gardner, Steve Gardner, Elaine L. Gardner, Karen G. Stewart, Ann Hutchings, Mike Gardner, Brad Fillmore, Melanie Fillmore, Jesse Conway, Greg Magleby, Jana Rae Gardner, Michelle Gabler, Lynn E. Jones, Lynn Tuttle, Mary Jane Tuttle, Brian Gabler, Duane Hutchings, January Erskine, Heather Clayson.

CALL TO ORDER

Chairman Christianson called the meeting to order at 6:05 p.m.

PRELIMINARY ACTIVITIES

Pledge

Commissioner Robins led the Pledge of Allegiance.

Chairman Christianson excused Commissioner Marshall.

Adoption of Minutes: March 3, 2010

Commissioner Robins **moved** to **approve** the minutes of March 3, 2010.

Commissioner Evans **seconded** and the motion **passed** all in favor.

Chairman Christianson explained that he had been asked to change the order of the motions on the agenda.

Commissioner Evans made a **motion** to **open** into public hearing. Commissioner Robins **seconded** and the motion **passed** all in favor.

PUBLIC HEARINGS

Brad Fillmore

Applicant: Brad Fillmore
General Plan: Residential 3.5 to 4.5 units per acre
Zoning; R-1-9 existing, R-1-6 proposed
Location: 1968 East 1200 South

** Commissioner Cope arrived at 6:07 p.m.*

Mr. Anderson explained that the proposal was to change the zoning so that the applicants could use an existing Accessory Apartment to care for an elderly family member. He explained that the surrounding properties would remain in the R-1-9 zone and that staff had recommended that the request be denied. He explained that it would be better to amend the requirements of the R-1-9 zone than to change the zoning on this single property. He said that he did not believe that staff would recommend amending the text to permit Accessory Apartments in more zoning districts.

Chairman Christianson asked if Mr. Anderson had discussed amending the text with staff. He said he had not.

Mr. Anderson explained the concept of spot zoning and how it influenced the staff's recommendation.

Commissioner Evans stated that density was one reason for not allowing Accessory Apartments. He said that they would have less of an effect in a less dense area.

Chairman Christianson invited comment from the applicant.

Brad Fillmore

Mr. Fillmore read a written statement. He explained that they had built the apartment to care for his father, but that circumstances had changed and that they would like to rent the basement until his father moved in. He said that, without the income from the rent, they would not be able to keep their house. He explained how renters would enter the apartment and that the Fillmores would still occupy the house. He said that he would be glad to add the condition that they could only rent if the owner was present. He mentioned the list of signatures of neighbors in support of the application.

Commissioner Evans asked if the Accessory Apartments was available in that zone. Mr. Anderson explained that, if the zone was changed, the applicants would be able to do anything allowed in the R-1-6 zone. He explained that the applicants would have to come back to the Commission and apply for a Conditional Use permit. Commissioner Evans said that there was no way to enforce conditions on future applicants.

Chairman Christianson invited public comment.

Michelle Gubler

Ms. Gubler explained that she was a neighbor of the Fillmores. She explained that she used to rent from the Fillmores and that they were very picky about who they would let live in their rental. She explained that there were people in rentals nearby that had multiple families staying there and that there were neighbors with illegal basement apartments.

Commissioner Robins explained that the City doesn't respond to zoning violations unless people complain.

Commissioner Evans said that because it is going on elsewhere doesn't make it right. He said that if the City was notified of illegal apartments that the City was obligated to investigate them. He said that, even though the Fillmores may be good people, they will not always own their house, and that if the zoning is changed the next owners could allow for more questionable renters. He said that spot zoning would allow anyone to do the same thing that the Fillmores did, regardless of who they were. Ms. Gubler said that she thought that Accessory Apartmentss should be legal in the R-1-9 zone.

Melanie Fillmore

Ms. Fillmore asked about Accessory Apartmentss in Orem. Commissioner Stroud said that they were done away with in 2004. He explained that they had to be owner-occupied and that the way to pursue this change was through a Zoning Text Amendment. Commissioner Evans said that they would be better off to invite renters and ask their neighbors not to complain.

Commissioner Cope said that with the economy the way it is, it is likely that we will see more applications like this and that it may be a good time to consider changing the ordinance. He said that there were strict guidelines for Accessory Apartmentss that would help insure the quality of the unit. He agreed that spot zoning was not the answer.

Commissioner Robins said that spot zoning is legal and that they should not make decisions based on spot zoning. Mr. Anderson said that there is no law that precludes the City from spot zoning. Commissioner Robins said that we do spot zoning all across the City, especially citing the in-fill overlay and the American Leadership Academy.

Chairman Christianson asked if these illegal apartments could apply for zone changes. Mr. Anderson said anyone has a right to apply.

Commissioner Robins said that these discussions often come down to parking, and that the neighbors were in support of the change. He said that this change wasn't opening the City up to massive change.

Commissioner Evans asked the Fillmores if they were aware of the requirement to apply for the Conditional Use. They said that they had not been and that they would be willing to become compliant with the requirements for the Conditional Use permit. Ms. Gubler said that she felt that the requirements for Accessory Apartmentss are a good set of checks and balances.

Commissioner Cope said that it might be appropriate to create some sort of overlay.

Commissioner Robins said that what we do here should not make families lose their houses.

Commissioner Robins made a **motion** to recommend to the City Council **approval** of the Brad Fillmore Zone Change. Commissioner Cope **seconded** and the motion **passed** by a roll call vote. Commissioners Stroud and Evans voted nay, saying that a text amendment would be more appropriate.

STAFF REPORTS

Legacy Farms Annexation

Applicant: Legacy Farms at Spanish Fork, LLC

General Plan: Residential 1.5 to 2.5 units per acre, Residential 2.5 to 3.5 units per acre, Residential 5.5 to 8 units per acre, Commercial 2 and Rural Residential

Zoning: R-3, R-1-12, R-1-15, Commercial 2 and Rural Residential proposed

Location: Approximately 400 North 1500 East

Mr. Anderson explained how this has been a long-term project and that he would cut to the chase of what is before the Commission now. He explained that staff had provided an annexation feasibility report. He said that there would be between 1,100 and 1,200 homes in the area at buildout. He asked the Commission for their thoughts on just the annexation.

Commissioner Robins asked for the proposed zoning. Mr. Anderson showed a PowerPoint slide indicating the future zoning. He explained the rationale behind the Commercial and R-3 zoning districts. He explained that the R-R zoning functioned as a holding zone.

Chairman Christianson said that the report did not address the financing that would be used to pay for new officers and utilities. He said that the City was considering a public safety impact fee that would pay for building fire stations and hiring police officers.

Commissioner Evans asked if a lack of fire coverage or police officers would hold up the development at the Final Plat stage. Mr. Anderson said that was not the intention of the agreement.

Greg Magleby

Commissioner Robins asked if Mr. Magleby had read the annexation agreement. Mr. Magleby said that he had not seen the latest version, but that if it was in line with previous versions it would be acceptable.

Chairman Christianson asked about impact fees. Mr. Anderson said that developers would have to pay impact fees according to the requirements at the time of their application. He said that the City was studying their impact fees and that the study may or may not recommend changes. He said that the City Council may or may not adopt a transportation impact fee. He said that the Engineering Department would like to have the ability to intervene and not approve Final Plats if the level of service in the area fails.

Brian Gabler

Mr. Gabler explained the difference between a collector and minor arterial road and what the City would reimburse to the developer. Mr. Anderson explained that the development's impact necessitates the construction of an 85-foot right-of-way, but that the City required the 98-foot right-of-way for the future development of the area. Chairman Christianson said that he was surprised that the City would share the costs of developing the road. Mr. Anderson said that this was new for the City because most of its big roads are state roads. Mr. Magleby explained that there would not be a home owners association and that the road and parks would be deeded to the City.

Commissioner Robins asked where the irrigation would be. Mr. Magleby indicated on the map. Commissioner Robins said that he was comfortable with the zoning and the annexation agreement. Chairman Christianson said that he wasn't comfortable having not seen the annexation agreement. Mr. Johnson gave copies of the agreement to the Commission. Chairman Christianson said that the agreement mentioned phasing and asked if it was mixed in with the Preliminary Plat. Commissioner Evans asked how strongly they were intermingled. He said that it may be appropriate to speak about the Preliminary Plat as part of the annexation.

Mr. Anderson explained the phasing plan of the project. He said that he believes this is the most important part of what the Commission is discussing tonight. He said that the proposed development is a master planned development. He showed a slide of the proposed development and discussed its features. He showed to the Commission staff's density calculations, showing that the base density was 642 units and that the maximum would be 815 units. Mr. Anderson explained that the applicant had calculated it as 828 units, and Mr. Magleby explained that they came to this number by including a small sliver of the Miner property that was labeled as future development, which staff did not include in its calculation since it was not a part of the current project.

Mr. Magleby explained that the future development area would be used for a storm drain basin. He explained that the road was designed to take into consideration the Rocky Mountain Power lines. Discussion was held regarding the development potential of part of the Miner property. Mr. Johnson and Mr. Burdick explained the storm drain needs of the area.

Commissioner Robins said that the only people that will use the parks will be people in the area. He asked if the road and the wetlands park were worth the bonus density. Mr. Magleby said that they would build minimal amenities in Park 1 and that they would improve the later parks to a higher standard while improvements for the earlier parks would be by the City. He explained the phasing and improvements of the parks.

Commissioner Stroud asked about parking at Park 3 and if it was legal for people to back out onto the street. Mr. Anderson explained that they staff may prefer angled parking and that they would discuss it at the Final Plat stage.

Chairman Christianson asked about elevation control on the wetlands boardwalk. Mr. Magleby said that there was a ditch that kept the water level down. He said that the elevation of the water was very constant. Chairman Christianson asked if there would be some sort of programming for the wetlands. Mr. Magleby said that there would be a gazebo along the boardwalk for that purpose and that this could be used as a nature trail to educate the children. He said that it was important that the property owners had come together for the development and that it would make planning and building a lot easier.

Discussion was held regarding frontage width.

Chairman Christianson said that he wasn't comfortable with the first park not being improved. Commissioner Evans said he was uncomfortable with Park 3 not being built until the project was all but done. Mr. Magleby said that they had to generate income from lots before they could improve the parks. Discussion was held regarding the phasing plan. Commissioners Robins and Cope discussed putting twin homes or other multifamily units on 50-foot lots.

Commissioner Stroud asked about the architectural review committee. He said that there wasn't a lot of concrete language in the design guidelines. Commissioner Evans asked what requirements there were to keep the architectural review committee honest. He asked who would be on the committee. He said that it would be made up of individuals from LEI, architects, and developers. Commissioner Evans said that he was encouraged by the fact that this development was being developed by local landowners and not by an out-of-town developer. Commissioner Stroud said that he would like more detail on the homes.

Commissioner Evans asked if reviewing the architectural committee decisions was part of the Final Plat process. Mr. Anderson said that it was not. He said that the City would not mind having a document with some teeth.

Commissioner Stroud asked if Salisbury Homes was going to be the builder. Mr. Magleby stated that they have discussed the project with Salisbury and that Salisbury did not have anything under contract.

Discussion was held regarding financing and escrow.

Commissioner Cope asked where potential sites for churches would be. Mr. Magleby indicated where some of their preferred sites would be. Commissioner Cope asked if there had been any discussion with Nebo School District. Mr. Magleby said that that would have to be discussed at a later date.

Mr. Anderson said that there were a number of issues to deal with where the development deviated from the standard provisions in the ordinance. He said that he felt the parks should be developed with earlier phases than those proposed, especially the boardwalk.

Chairman Christianson said that he felt the parkway was an amenity with landscaping in the median and that the City should not need to reimburse the developer. Commissioner Evans said that they had not had enough time to thoroughly cover the information and that he would be more comfortable covering the project the next month.

Commissioner Robins made a **motion** to recommend to the City Council **approval** of the Legacy Farms Annexation based on the following conditions.

Conditions:

1. That the applicants enter into an annexation agreement, the road on Legacy Parkway and a letter from the SESD, and that the zoning be consistent with the plat they submitted.
2. That the applicants obtain an agreement from Rocky Mountain Power based on their access through the right-of-way.

Commissioner Stroud **seconded** and the motion **passed** all in favor.

Legacy Farms Preliminary Plat

Applicant: Legacy Farms at Spanish Fork, LLC

General Plan: Residential 1.5 to 2.5 units per acre, Residential 2.5 to 3.5 units per acre, Residential 5.5 to 8 units per acre, Commercial 2 and Rural Residential

Zoning: R-3, R-1-12, R-1-15 and Commercial 2

Location: Approximately 400 North 1500 East

Discussion on this item was held as part of the previous item.

Commissioner Robins made a **motion** to recommend to the City Council **approval** of the Legacy Farms Preliminary Plat with the following finding and subject to the following conditions.

Finding:

1. That the bonus density is warranted based on the applicants proposal to provide the proposed parks.

Conditions:

1. That the applicant makes any redline corrections to the phasing plan as discussed today.
2. That the applicant makes any needed corrections on the density in the project.
3. That the applicant address to the City Council the 50-foot lot widths or extend the townhomes.

Commissioner Evans **seconded** and the motion **passed** by a roll call vote. Chairman Christianson voted nay based on the fact that the parkway should be an amenity and should not be reimbursed by the City.

Title 15

Applicant: Spanish Fork City

General Plan: not applicable

Zoning: not applicable

Location: City-wide

Mr. Anderson explained that the proposed change was relative to allowing chickens on smaller lots in the City.

Commissioner Evans asked why we would require permits when we wouldn't be able to enforce it. He said that our animal control people don't have the time to deal with the paper work for the permits. Commissioner Cope added that he objected to the annual fee. He asked if it applied to all zones. Mr. Anderson answered that it applied to all residential zones.

Commissioner Stroud said that slaughtering should be addressed.

Commissioner Evans made a **motion** to recommend to the City Council **approval** of the proposed amendments to Title 15 with the following changes:

1. That the wording in the first paragraph be adjusted so that the entire section is covered.
2. That the section on permits being required be removed

3. That an addition to Item G be included to say, "The slaughter of chickens will not be permitted."

Commissioner Robins **seconded** and the motion **passed** all in favor.

Commissioner Robins made a **motion** to **close** the public hearing. Commissioner Evans **seconded** and the motion **passed** all in favor.

OTHER DISCUSSION

Discussion on Planning Commission work program and General Plan

Mr. Anderson asked if the Commission would be willing to work through work meetings in addition to the monthly Commission meeting. Chairman Christianson suggested creating a questionnaire for the Commission. Commissioner Evans suggested creating "homework" for the Commissioners to do before work meetings. The Commission planned for a work meeting on the 28th.

Mr. Anderson said that there are a number of General Plan designations that are planned for uses that are so similar that it may be best to just combine some of them. Discussion was held regarding fewer zones, form-based codes and whether the General Plan should be flexible or not.

ADJOURNMENT

Commissioner Evans **moved** to **adjourn**. Commissioner Robins **seconded** and the motion **passed** all in favor at 10:01 p.m.

Adopted:

Dave Munson, Planning Intern

Draft Minutes
Spanish Fork City Planning Commission Meeting
May 5, 2010

Commission Members Present: Mike Christianson, Chairman; Del Robins, Shane Marshall, David Stroud, Rick Evans, Tyler Cope.

Staff Present: Dave Anderson, Community Development Director; Dave Munson, Planning Intern; Jered Johnson, City Surveyor; Trapper Burdick, Assistant City Engineer.

Citizens Present: none.

Mr. Anderson started the meeting at 5:34 p.m.

He asked the Commission on their comments relative to the General Plan. Commissioner Robins suggested that they go over the areas of focus that the Commission had visited on previous trips.

Mr. Anderson explained the Land Use Element of the General Plan. He showed how he had removed all the sections not related to land use. Discussion was held regarding what should be a part of the General Plan and eliminating or combining a number of the General Plan Designations, reducing the total number to seven. The details of a mixed-use designation and the possibility of using a form-based code were discussed.

Chairman Christianson asked Mr. Anderson if staff could make a map of the areas where zoning designations are consistent with existing land uses and areas where designations denote a different future land use. He also asked the staff to create a list of decisions that need to be made.

The Commission spent some time discussing the possibilities of development, including a transfer of development rights program, in the River Bottoms. They also discussed accessory apartments and whether they are appropriate for different zones in the City.

ADJOURNMENT

Commissioner Robins **moved** to **adjourn**. Commissioner Evans **seconded** and the motion **passed** all in favor at 8:42 p.m.

Adopted:

Dave Munson, Planning Intern



CONDITIONAL USE

REPORT TO THE PLANNING COMMISSION BRAD FILLMORE CONDITIONAL USE PERMIT REQUEST

Agenda Date: June 2, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Brad Fillmore is requesting that a Conditional Use Permit for an accessory apartment be approved.

Zoning: R-1-9 existing, R-1-6 when the application was filed.

General Plan: Residential 3.5-4.5 U/A.

Project Size: 0.23 acres.

Number of lots: 1.

Location: 1968 East 1200 South.

Background Discussion

Brad Fillmore is requesting that a Conditional Use Permit be granted for an Accessory Apartment. The City Council changed the zoning of the subject property on April 20, 2010. The City Council has subsequently changed the zoning R-1-9. Brad Fillmore applied for the Conditional Use Permit before the Council changed the zoning to R-1-9.

Mr. Fillmore has submitted a letter that accompanies this report.

Development Review Committee

The Development Review Committee reviewed this request in their May 20, 2010 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Brad Fillmore Conditional Use

Applicant: Brad Fillmore

General Plan: Residential 3.5 to 4.5 units per Acre

Zoning: R-1-6

Location: 1968 East 1200 North

Mr. Anderson explained that this was for an Accessory Apartment and that parking is typically a concern in neighborhoods with Accessory Apartments. Ms. Fillmore said that she had a copy of the inspection report for the apartment. Mr. Swenson said that if it passed the inspection then there wouldn't be an issue now.

Mr. Anderson said that as long as the garage remained available for parking it would be sufficient.

Mr. Cooper explained that a separate electric meter base would be required. He also wanted to make sure that the existing wiring would be sufficient for electric heating or range.

Mr. Baker **moved to approve** the Fillmore Conditional Use Permit for an Accessory Apartment subject to the following conditions:



Condition

1. That the three car garage be maintained for parking.
2. That the applicant meet the Electric Department's wiring requirements with respect to baseboard heaters, separate meter bases and any other requirements that they have.
3. That the apartment not be expanded beyond a one bedroom.

Mr. Anderson **seconded** and the motion **passed** all in favor.

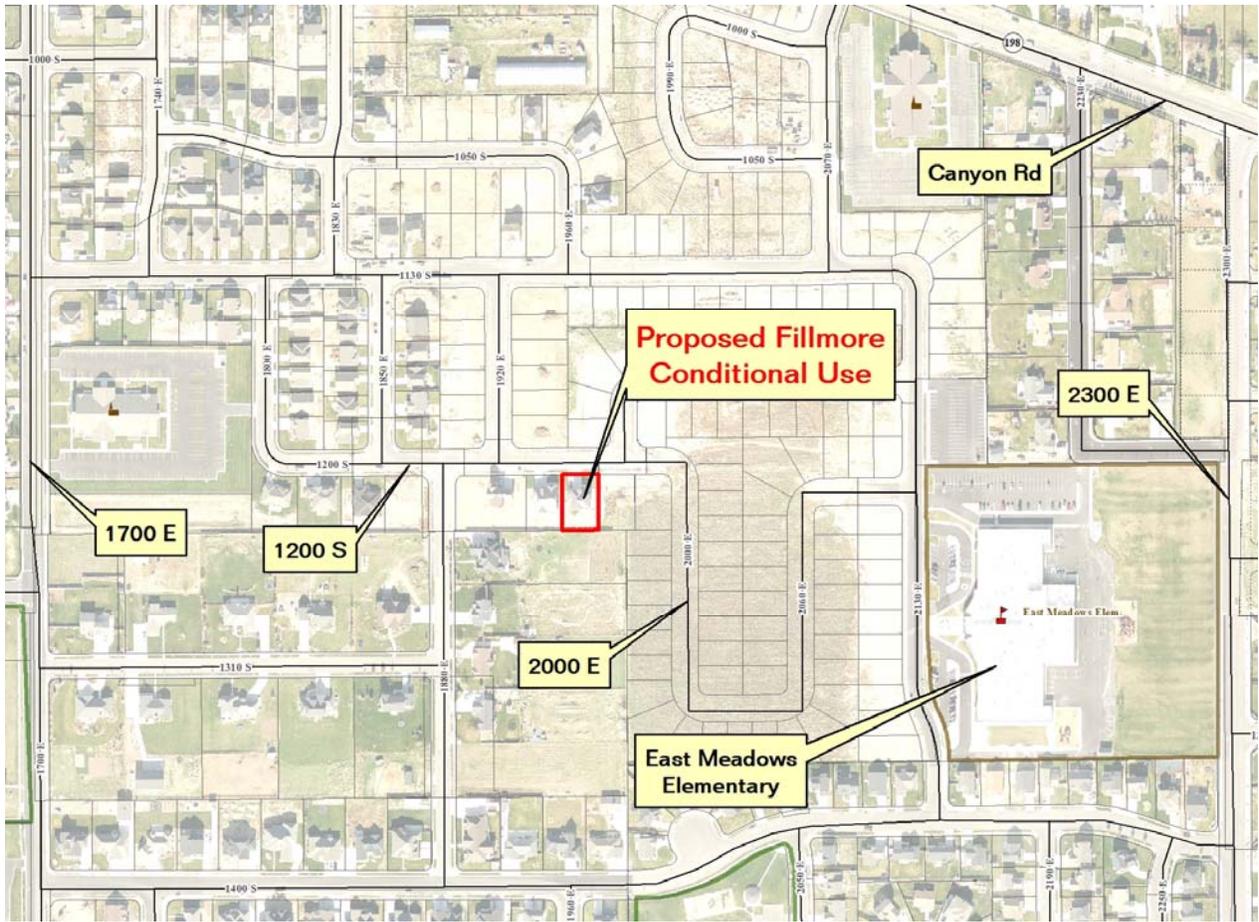
Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of this Conditional Use.

Recommendation

Staff recommends that the proposed Conditional Use Permit be approved subject to the following conditions:

1. That the applicant obtain a Building Permit, pay all fees associated with creating an apartment, complete all required improvements and obtain a certificate of occupancy.
2. That the applicant meet the parking requirement by providing two paved parking spaces per dwelling unit, at least two of which will be covered (one per each unit).



May 2, 2010

Re: Conditional Use Application

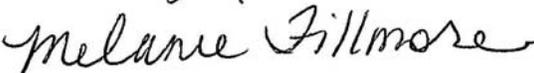
To Whom It May Concern:

We are applying for a conditional use permit on our residential property at 1968 East 1200 South regarding an existing basement apartment. Our property was recently rezoned from R-1-9 to R-1-6, allowing for application of a legal accessory apartment in the basement. The basement apartment is approximately 800 square feet. It has its own entrance at the rear of the house. The apartment can house 1 to 2 people and would be rented out unless the home was needed by our father/father-in-law.

The lot is .23 acres or 10,000 square feet. The apartment has its own parking along the west side of the home. The 3rd car garage can provide an additional covered parking space. The apartment was built with a city building permit and by a general contractor, thus all building and fire codes should be up to par. Any additional requirements as referred to in the municipal code, Title 15, page 41, section E.2.e would need to be made known to us, as it does not provide a detailed list.

Thank you for considering our application. Please contact us if you have any questions.

Sincerely,

Brad and Melanie Fillmore

801-794-1436 (home)

801-318-8962 (cell)

brad.fillmore@nebo.edu

melaniefillmore@comcast.net



CONDITIONAL USE

REPORT TO THE PLANNING COMMISSION STAKER PARSON AMENDED CONDITIONAL USE PERMIT REQUEST

Agenda Date: June 2, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Staker Parson is requesting to have their Conditional Use approval amended so as to permit additional time to complete required improvements to their concrete batch plant facility.

Zoning: Industrial 2.

General Plan: Medium Industrial.

Project Size: 9.8 acres.

Number of lots: 1.

Location: 2276 North 200 East.

Background Discussion

In 2008, Staker Parson was granted an extension to allow them additional time to complete paving work at their concrete batch plant. At that time, Staker Parson was given two years to complete the required work.

Attached is a May 12, 2010 letter that has been submitted to the City by Dak Maxfield, Real Estate Manager with Staker Parson. This letter outlines the details of Staker Parson's request for additional time to complete the paving. The current approval requires that the paving work be complete by June 5, 2010.

Development Review Committee

The Development Review Committee reviewed this request in their May 20, 2010 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Staker Parsons

Applicant: Staker Parsons
General Plan: Light Industrial
Zoning: Industrial 1
Location: 2250 North 200 East

Mr. Anderson explained the background of the Conditional Use approved in 2006. He explained that the deadline for having the site hardsurfaced was next month and that Staker Parsons was petitioning the City for an extension.

Mr. Oyler asked how much of the hardsurfacing had been done since their last extension. Mr. Maxfield said about 50 to 60%. He said that progress had been limited because of the slow economy. He explained that the poor soils and heavy trucks that they use make for heavier paving requirements.



Mr. Anderson said that he felt a two and a half year extension was too long. He said that he would be more comfortable with the end of the year. He said that he felt that there was an obligation to the neighbors that this would be a clean, state of the art concrete batch plant.

Mr. Baker **moved** to **approve** the Staker Parsons Conditional Use extension for one (1) year. Mr. Johnston **seconded** and the motion **passed** all in favor.

Budgetary Impact

There is no immediate budgetary impact anticipated with the amendment of this approval.

Recommendation

Staff recommends that the proposed Conditional Use Permit be approved subject to the following conditions:

1. That the entire Staker Parson site be paved by June 5, 2011.



STAKER | PARSON
C O M P A N I E S

May 12, 2010

Spanish Fork City
Attn. Dave Anderson, Planning Director
40 South Main
Spanish Fork, UT 84660

RE: Request for Time Extension on Paving of Jack B. Parson Companies yard located at 2250 North 200 East, Spanish Fork, UT 84660.

Dear Mr. Anderson:

I'm writing you today to request an extension of time to complete the paving of the property referenced above. We had anticipated having the yard entirely paved with return concrete material at this point as originally represented to the City Council. At the time of our commitment, the economy and the quantities of return concrete that we were dealing with were substantial due the robust economy at that time. During the construction of our plant the economy began its downward spiral. The number of housing starts significantly decreased as well as commercial projects in the area of this plant. Because of these factors, we have been unable to complete the paving in the timeframe originally anticipated.

Due to the uncertainty in the next year or two as to what the market conditions might bring, we request an extension of time to year end of 2012. This would allow us to continue the process of paving the yard area with return concrete material. It further affords us the opportunity of being better stewards of our environment by recycling the return concrete and using it in useful ways rather than having to dispose of it in other ways. We acknowledge that the purpose of paving the entire yard was to reduce the dust levels. However, to date, we note that we have not been notified of any complaints related to dust and feel we are maintaining the yard and can continue to maintain the yard well enough to keep the level of dust to a minimum.

We hope that Spanish Fork City can see the benefits of our approach to accomplishing the task of paving our yard in the manner we have outlined. We ask for the City's consideration in granting our request at the next City Council Meeting. Thank you in advance for your consideration in this matter.

Sincerely,

Dak Maxfield
Real Estate Manager

PO BOX 3429, Ogden, UT 84409
2350 S. 1900 W. Ogden, UT 84401

dmaxfield@stakerparson.com
www.stakerparson.com

PH 801-409-2404
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